

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**UNITED STATES OF AMERICA**

**Plaintiff,**

**-vs-**

**Case No. CR-3-05-54 (2)**

**FRANCISCO JAVIER PACHECO,**

**Defendant.**

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**ORDER ADOPTING THE REPORT AND RECOMMENDATIONS OF THE UNITED  
STATES CHIEF MAGISTRATE JUDGE, AND ACCEPTING THE PLEA OF GUILTY**

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This matter came on for a hearing on May 24, 2005, for a change of plea. Upon unanimous consent of the parties the matter was heard before United States Magistrate Judge Sharon L. Ovington. Having conducted a full plea colloquy with the defendant the Magistrate Judge concluded that the Defendants plea of guilty was knowing, intelligent, and voluntary, and that there is an adequate factual basis for a finding of guilt.

Therefore, based upon the aforesaid, and this Courts de novo review of the comprehensive findings by the United States Magistrate Judge this Court adopts the Report and Recommendations of the United States Magistrate Judge (Doc. #29) in its entirety, finding that the plea was knowing, intelligent and voluntary. The Defendant is FOUND guilty of the offense for which he pled. This matter is ORDERED referred to the Unites States Probation Department for a presentence investigation and report. Sentencing is scheduled for August 17, 2005, at 4:00 p.m.

**DONE and ORDERED** in Dayton, Ohio, this 1<sup>st</sup> day of July, 2005.

**s/Thomas M. Rose**

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THOMAS M. ROSE, JUDGE  
UNITED STATES DISTRICT COURT